REMARKS

Claims 1 - 20 are pending. Applicants respectfully request reconsideration and timely

withdrawal of the pending objections and rejections for the reasons discussed below.

35 U.S.C. § 102 Rejection

Claims 1 - 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent

No. 6,659,861 issued to Faris, *et al.* ("Faris"). Applicants respectfully traverse this rejection for

at least the following reasons.

A claim is anticipated under 35 U.S.C. § 102(e) if a single reference discloses every

feature of the claimed invention. However, Applicants submit that Faris does not disclose one or

more claimed features, which renders the 35 U.S.C. § 102(e) rejection improper.

Claim 1

The Examiner suggests that Faris discloses every feature of the claimed invention, but

this appears to be incorrect, as Faris is directed to an Internet-based system for enabling a time-

constrained competition among a plurality of participants over the Internet.

In contrast to the teachings of Faris, claim 1 recites in pertinent part:

> ... detecting a qualifying value of a commercial transaction;
>
> checking a database of promotions for presence of a promotion that
> includes the qualifying value; and
>
> when a promotion that includes the qualifying value is present in
> the database, executing a module of selectively executable
> compiled web server code that provides the promotion.

With regard to the first claimed feature, the Examiner suggests that "detecting a qualifying value of a commercial transaction" is disclosed by col. 17, lns. 42-45 of Faris; but this is incorrect because the cited passage states:

> The contest-promoting system and method of the present invention also provides extensive security measures to detect and discourage cheating by dishonest players. Security is crucial in large contests involving significant rewards for winners.

This description is commensurate with the remainder of Faris' disclosure, which is directed to i) providing a local clock that incorporates a global positioning system (GPS) receiver in each peripheral device to provide a precise timing reference that is accurate to within 1 microsecond of international atomic clock standard time (col. 17, lns. 15-22), and ii) providing accurate and secure time-stamping of packaged delivery, insurance company documentation of damage, and client machine-based activities such as submission of offers to buy or sell securities, options, or the like (col. 46, lns. 14-21: col. 15, lns. 33-40). Contrary to the Examiner's assertions, these features and teachings of Faris do not disclose the claimed features of "...detecting a qualifying value of a commercial transaction; ..."

Turning to the second claimed feature, the Examiner further suggests that: i) col. 14, lns. 50-57 ; ii) col. 46, lns. 8-25; iii) col. 47, lns. 10-20; iv) col. 48, lns. 10-24; and v) col. 22, lns 7-33 anticipate "...checking a database of promotions for presence of a promotion that includes the qualifying value..." Applicants respectfully do not agree with the Examiner based on the following:

i) Col. 14, lns. 50-57 discloses databases generally. However, the two types of databases disclosed (competitor database 30 and Invitation to Respond Database 40) are not the

claimed "database of promotions".

ii) Col. 46, lns. 8-25 discloses time-stamping still photographs taken by a digital camera attached to a web-enabled handheld computer operated by a delivery person. The time-stamped photographs could be used to document delivery of a package. In other applications, the time-stamped photographs could be used to legally document accident damages, documents, and radar targets. However, none of these features disclose the claimed feature of "...checking a database of promotions for presence of a promotion that includes the qualifying value..."

iii) - iv) Col. 47, lns. 10-20 and col. 48, lns. 10-24 disclose securely time-stamping client machine-based activities such as the submission of offers to buy or sell securities, options, or the like. Like the passages noted above, these sections do not disclose the claimed feature of "...checking a database of promotions for presence of a promotion that includes the qualifying value..."

v) Col. 22, lns 7-33 discloses collecting and recording information about each contestant, such as name, address, telephone number(s), email address(es), and any other information required by the contest. A number of tests may be performed on the contestants' systems to qualify the machine to be used by each contestant, to determine whether each machine meets certain requirements necessary to participate in the competition. Data collected as a result of these tests may be used to determine whether each contestant participated fairly in the contest. However, none of these features disclose "...checking a database of promotions for presence of a promotion that includes the qualifying value...", as recited by claim 1.

Considering the third claimed feature, the Examiner suggests that col. 14, ln. 50 to col. 15, ln. 40; col. 1, lns 30-40, and col. 17, lns. 42-52 disclose "...when a promotion that includes

the qualifying value is present in the database, executing a module of selectively executable compiled web server code that provides the promotion." This suggestion, like the others before it, also appears to be incorrect.

To begin, Col. 1, lns. 30-40 paints the role of competition in human history with a very broad and vibrant brush. Other than mentioning, "Such objects of need or desire have included: food, shelter, land, rewards, prizes, natural resources, sexual partners, fame, fortune, diversion, or recreation such as sport,; and ultimately, survival.", this passage states no language that would disclose any of the elements of claim 1.

The next passage cited by the Examiner fares no better. Col. 14, ln. 50 – Col. 15, ln. 40 merely discloses the competitor database, Invitation to Respond Database, GSU units with integrated GPS receivers, and time-stamped client machine-based activities – none of which disclose any of the features claimed by Applicants.

Finally, Col. 17, lns. 42-52 discloses providing extensive security measures to prevent cheating by dishonest players. However, as previously explained, these features are not recited by claim 1.

Consequently, claim 1 contains one or more features that are not disclosed by Faris, and Applicants respectfully request allowance of claim 1.

Claims 2, 7, 11, 12, and 17

At page 3, paragraph no. 4, the Examiner suggests that each of these independent claims contains limitations similar to those set forth in claim 1. Without admitting to such sweeping remarks, Applicants submit that claims 2, 7, 11, 12, and 17 are thus allowable over Faris for

rationale similar to that set forth above with respect to claim 1. Accordingly, Applicants respectfully request allowance of claims 2, 7, 11, 12, and 17.

Claims 3 – 6, 8 – 10, 13 – 15, and 18 - 20

Each of these dependent claims depends from one of the allowable base claims 1, 2, 7, 11, 12 or 17 referenced above. Consequently, each of dependent claims 3 – 6, 8 – 10, 13 – 15, and 18 – 20 are allowable based on their dependencies from an allowable base claim. Accordingly, allowance of dependent claims 3 – 6, 8 – 10, 13 – 15, and 18 – 20 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to **IBM Deposit Account No. 09-0457** (Endicott).

Respectfully submitted,

Andrew M. Calderon
Reg. No. 38,093

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Tel: 703-712-5426
Fax: 703-712-5285

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